

EASTERN DISTRICT OF THE STATE OF NEW YORK

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ZHI FAN LI, *Individually and on behalf of others*
similarly situated,

Plaintiffs,

Case No. 15-cv-5262 (CBA)(VMS)

v.

DECLARATION OF
ZHI FAN LI

SIMON LEUNG, *Individually*
and MOGU SUSHI INC.

Defendants.

-----X
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Zhi Fan Li, having been duly sworn, deposes and says:

1. I am a Plaintiff in the above-captioned case. I live in Flushing, New York. I respectfully make this declaration in support of my application for an Order granting me a default judgment against Defendants Simon Leung (“Leung”) and Mogu Sushi Inc. (“Mogu”) (collectively “Defendants”), granting me unpaid minimum wage, unpaid overtime compensation, unpaid spread of hours pay, liquidated damages, post-judgment interest and attorneys’ fees and costs.
2. I filed a complaint in this Court against my former employers, Leung and Mogu, because I was not paid proper minimum wage, overtime compensation, or spread of hours pay during the course of my employment.
3. I worked for Defendants from approximately November 1, 2014, until March 15, 2015.
4. I was employed to work as a sushi chef for Defendants.
5. Leung hired me to work for Mogu.

6. Leung supervised my work at the restaurant and set my weekly schedule.
7. Defendants never provided me with a written notice of my rate of pay.
8. While working for Defendants, I regularly worked six (6) days per week.
9. I usually worked twelve (12) hours per day, five (5) days per week, and eleven and one-half (11.5) hours per day, one (1) day per week.
10. I was paid a base salary of \$500.00 per week in cash, regardless of my hours worked.
11. I also received an average of \$60.00 per week in tips, which I had to pool with the other sushi chef who worked at the restaurant.
12. I was not paid at all for my last ten (10) days of work with Defendants.
13. In order to receive my pay, I was forced to sign timesheets that reflected incorrect hours work and incorrect rates of pay.
14. I have summarized the wages I am owed as follows: \$24,329.96, which includes unpaid overtime, unpaid spread of hours pay, and liquidated damages under New York and federal law.
15. A true and accurate copy of a spreadsheet detailing the above calculations is annexed hereto as "Exhibit A."
16. I respectfully request that the Court enter judgment in my favor for a total of \$18,506.68, plus post-judgment interest.
17. I also make this declaration in support of my application for attorney's fees. I retained the Klein Law Group on June 25, 2015. My attorney's declaration is attached.

WHEREFORE, I respectfully request that my application be granted in its entirety, along with such other and further relief as this Court deems just and proper.

Dated: New York, NY
November 17, 2015

Zhi Fan Li
Zhi Fan Li

DECLARATION OF ZHI FAN LI

I, Zhi Fan Li, certify that I fully understand and swear to as true the contents of the document entitled Declaration of Zhi Fan Li as I speak and read fluent english.

Dated: New York, NY
November 17, 2015

Zhi Fan Li
Zhi Fan Li

Sworn to before me this 17th day of Nov, 2015

Ana E. Rios
Notary Public
ANA E. RIOS
NOTARY PUBLIC, State of New York
No. 01RI6156593
Qualified in Rockland County
Commission Expires Dec. 4, 2018

EXHIBIT A

Li v. Mogu Sushi Inc. et al

Case Number: 1:15-cv-05262-CBA-VMS

Case filing date 9/11/2015

<u>Period</u>		days	hours per wk*	weekly rate	hourly rate	min. legal rate	
11/1/2014	12/31/2014		6	71.5	\$500.00	\$6.99	\$8.00
1/1/2015	3/15/2015		6	71.5	\$500.00	\$6.99	\$8.75

*usually Sunday worked 11.5 hours per day, other days 12 hours per day

Min. Wage OT & SOH damages

	weeks	Min. Wage	OT Wage	SOH Wage	Legal Wage	Actual Wage	Damages
11/1/2014 12/31/2014	8	\$572.00	\$126.00	\$48.00	\$746.00	\$500.00	\$1,968.00
1/1/2015 3/5/2015	9	\$625.63	\$137.81	\$52.50	\$815.94	\$500.00	\$2,843.44
3/6/2015 3/15/2015**	2	\$625.63	\$137.81	\$52.50	\$815.94	\$0.00	\$1,631.88
**last 10 days wage was unpaid						Total	\$6,443.32

No Notice Damage

\$50.00 per day, \$5,000.00 max

Total **\$5,000.00****FLSA Liquidated Damages**

100% Unpaid Wage 3 Years SOL

Total **\$6,443.32****NYLL Liquidated Damages**

25% of Unpaid Wage before 4/12/11 + 100% Unpaid Wage after 4/12/11, 6 Years SOL

Total **\$6,443.32****Overall** **\$24,329.96**